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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,642	04/02/2004	Herbert Huttlin	03928-P0006A	1065
24126	7590	09/19/2006	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			LAMB, BRENDA A	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	

1734

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,642

Applicant(s)

HUTTLIN, HERBERT

Examiner

Brenda A. Lamb

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, 19, 22, 23, 26-28 and 30 is/are rejected.
- 7) ☒ Claim(s) 15, 17, 18, 20, 21, 24, 25, 29, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/23/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election of Group I in the reply filed on 4/24/2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-12,22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiller 872,729.

Hiller teaches the design of an apparatus for treating particulate material, comprising: a container having a process chamber and a container central duct 9 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around said longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air and opening into the lower region of said process chamber, and communicating with the upper open region of said process chamber so as to

Art Unit: 1734

conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber set forth in claim 11. Thus Hiller teaches every element of the claimed apparatus. With respect to claim 26, the same rejection applied to claim 11 is applied here. Further, Hiller teaches a device 13 which broadly reads on a fan or a device for producing a current of air by movement of its surface which includes arms or ribs 14. Hiller shows the fan is immediately adjacent to an opening area of the lower region of the container central duct. Thus every element of the claimed apparatus as set forth in claim 26 is taught by Hiller. With respect to claim 12, Hiller shows the fan is immediately adjacent to a location where the container central duct opens into the lower region of the process chamber. With respect to claim 22, Hiller teaches at least one first spray nozzle 16 for spraying a first moist medium is arranged in a lower opening area of the container central duct into the process chamber, its spraying direction being oriented substantially into the process chamber.

Claims 23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiller in view of Engels.

Hiller is applied for the reasons noted above. Hiller fails to teach the at least one first spray nozzle is arranged on the fan. However, it would have been obvious to modify the Hiller apparatus by arranging the spray nozzle on the mixing fan since Engels teaches arranging the spray nozzle on the mixing or stirring means for the obvious reason for the taught advantage that the spray nozzles act as an additional mixing means for mixing the ingredients in the process chamber.

Claims 11-14, 16 and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Herfeld.

Herfeld teaches the design of an apparatus as shown in Figures 4-5 for treating particulate material, comprising: a container having a process chamber and a container central duct 9 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around said longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air and opening into the lower region of said process chamber, and communicating with the upper open region of said process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber. Thus Herfeld teaches every element of the claimed apparatus set forth in claim 11. With respect to claim 26, the same rejection applied to claim 11 is applied here. Further, Herfeld teaches a fan 16 fan is immediately adjacent to an opening area of the lower region of the container central duct. Thus every element of the claimed apparatus as set forth in claim 26 is taught by Herfeld. Thus every element of the claimed apparatus as set forth in claim 26 is taught by Herfeld. With respect to claim 12, Herfeld shows the fan 16 is immediately adjacent to a location where the container central duct opens into the lower region of the process chamber. With respect to claims 13-14 and 27-28, Herfeld shows in Figure 5 that the fan has blades which extend in the manner set forth in the claims. With respect to claim 16, Herfeld shows an

Art Unit: 1734

air/material feed system which is capable of being connected or connectable to the container and feed air and material system which is connected to container with container central duct to form an assembly therewith.

Claims 11-12, 16, 22 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyde et al.

Hyde et al teaches the design of an apparatus as shown in Figures 4-5 for treating particulate material, comprising: a container having a process chamber and a container central duct 56 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around said longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air and opening into the lower region of said process chamber, and communicating with the upper open region of said process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening circumferentially and opening towards the upper region of the process chamber. Thus Hyde et al teaches every element of the claimed apparatus set forth in claim 11. With respect to claim 26, the same rejection applied to claim 11 is applied here. Further, Hyde et al teaches a fan 138 fan is immediately adjacent to an opening area of the lower region of the container central duct. Thus every element of the claimed apparatus as set forth in claim 26 is taught by Hyde et al. Thus every element of the claimed apparatus as set forth in claim 26 is taught by Hyde et al. With respect to claim 12, Hyde et al shows the fan 138 is immediately adjacent to

a location where the container central duct opens into the lower region of the process chamber. With respect to claim 16, Hyde et al shows an air/material feed system which is capable of being connected or connectable to the container and feed air and material system which is connected to container with container central duct to form an assembly therewith. With respect to claim 22, Hyde et al teaches at least one first spray nozzle 64 for spraying a first moist medium is arranged in a lower opening area of the container central duct into the process chamber

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms in claim 19 lack proper antecedent basis: "said feed air duct"; "said process air"; "said feed duct" lack proper antecedent basis.

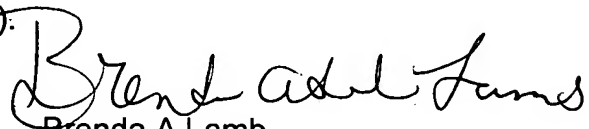
Claims 15,17-18,20-21,24-25,29 and 31-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. The examiner can also be reached on alternate Wednesdays.

Art Unit: 1734

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Brenda A Lamb
Examiner
Art Unit 1734